

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

LEGAL RECOVERY ASSOCIATES  
LLC,

Plaintiff,

– *against* –

BRENES LAW GROUP, P.C., *and* TROY  
A. BRENES,

Defendants.

**ORDER**

22-cv-1778 (ER) (BCM)

RAMOS, D.J.:

Legal Recovery Associates LLC filed this action in New York state court on January 28, 2022. Doc. 1-1. Defendants Brenes Law Group, P.C., and Troy A. Brenes removed the case to this Court on March 3, 2022. Doc. 1. On March 22, 2022, Judge Nathan referred the case to Magistrate Judge Moses for general pretrial supervision. Doc. 12. The case was reassigned from Judge Nathan to the undersigned on April 11, 2022.

On August 18, 2023, Legal Recovery moved to strike certain affirmative defenses and allegations asserted by Defendants in their answer and counterclaim. Doc. 60. This Court issued an amended order of reference on September 11, 2023, referring the case to Magistrate Judge Moses for general pretrial supervision and dispositive motions. Doc. 67.

On February 13, 2024, Magistrate Judge Moses issued a Report and Recommendation (R&R) recommending that the motion to strike be granted. Doc. 113. Specifically, the R&R recommended that the first, sixth, and ninth affirmative defenses, along with the factual allegations in paragraphs 48–51 and 74–75, be stricken from Defendants’ answer (Doc. 54). Doc. 113 at 11. The R&R also recommended that the first and sixth affirmative defenses be stricken from the original answer (Doc. 3) submitted by

Defendants in the first-filed case, No. 23-cv-2446. Doc. 113 at 11. The R&R notified the parties that they had fourteen days from service of the R&R to file written objections. *Id.* That period has passed, and no objections to the R&R have been filed.

### **I. STANDARD OF REVIEW**

A district court reviewing a magistrate judge's report and recommendation "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). Parties may raise specific written objections to the report and recommendation "[w]ithin fourteen days after being served with a copy." *Id.*; *see also* Fed. R. Civ. P. 72(b)(2).

A district court reviews de novo those portions of the report and recommendation to which timely and specific objections are made. 28 U.S.C. § 636(b)(1); *see also United States v. Male Juvenile*, 121 F.3d 34, 38 (2d Cir. 1997). The district court may adopt those parts of the report and recommendation to which no party has timely objected, provided no clear error is apparent from the face of the record. *Lewis v. Zon*, 573 F. Supp. 2d 804, 811 (S.D.N.Y. 2008).

### **II. DISCUSSION**

Although no objections were filed, the Court has reviewed Magistrate Judge Moses's thorough and well-reasoned R&R and finds no error, clear or otherwise. The Court therefore adopts the R&R.

### **III. CONCLUSION**

For the foregoing reasons, Legal Recovery's motion to strike is GRANTED. The first, sixth, and ninth affirmative defenses, as well as the factual allegations in paragraphs 48–51 and 74–75, shall be stricken from Defendants' answer and counterclaim (Doc. 54).

Additionally, the first and sixth affirmative defenses shall be stricken from the original answer (Doc. 3) submitted by Defendants in the first-filed case.

The Clerk of Court is respectfully directed to terminate the motion, Doc. 60.

It is SO ORDERED.

Dated: March 13, 2024  
New York, New York



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EDGARDO RAMOS, U.S.D.J.